1. May a local law enforcement official ignore procedural safeguards in attempting to suppress First Amendment rights.

2. In a matter involving a motion picture, where there has been no State Court action, may a scheme of threats of arrest and seizure of property made in the absence of any adversary hearing be enjoined in the federal courts.

The petitioner's entire argument is centered around the danger of a clandestine threat and we are asking this Court to address itself to the legal significance of the "threat" and the subsequent effect upon its recipient. We are not trying to inject a *Cameron* v. *Johnson* allegation of bad faith, nor are we trying to invalidate State obscenity laws. Our position is that there is no cognizable distinction between a private and a public threat in First Amendment matters, and that a different standard should apply to the injunction of a "scheme of threats" as opposed to the injunction of a State prosecution. If threats are enjoined the State is not deprived of its right to prosecute; significantly different results flow.

If the requirement of bad faith is necessary in order to gain relief in the federal courts, petitioner respectfully submits that a scheme which seeks to subvert important procedural rights be, in and of itself, declared, "per se," bad faith because of the great dangers to freedom of speech inherent in such action, and because no State official should act in such a way as to circumvent important rights. Perhaps the Court might turn to the anti-trust field for analogous conduct in determining actions to be bad faith per se.

Respondents somewhat glibly indicate the only issue here is the effect of a "good faith" warning (Respondents' Brief, page 5, paragraph 2). Because our allegations do not allege sufficient facts under *Cameron* v. *Johnson* does not, in and of itself, indicate a good faith effort in the conduct of the respondents. There is no evidence in the

record of a so-called good faith effort on the part of State officials. In fact, our original petition states that the plaintiff requested that the defendants cease making threats against him.

In an area where questions and rights are so important and so delicate as these, the decision as to what films should or should not be portrayed cannot be left to the unfettered, unchecked desires of a single State official. Action by State officials who would seek to avoid the adversary process, and seek to hide their acts from judicial scrutiny should not be condoned or allowed to exist based upon problems of semantics and faulty distinctions.

Respectfully submitted,
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